In the High Court of Judicature at Madras

Dated: 12.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

Writ Petition No.1672 of 2007
and M.P.No.1 of 2007

D.Govindarajan ..Petitioner

..vs..

1. The Executive officer,
   Vanagaram Panchayat,
   Vanagaram.

2. The Executive Officer,
   Karambakkam Panchayat,
   Karambakkam.

3. The Tahsildar,
   Ambattur Taluk,
   Ambattur.

4. The Commissioner,
   Chennai Metropolitan Development Authority,
   Chennai-8.

5. Thanigaivel ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing respondents 1 to 4 to demolish the superstructure constructed in Plot No.117, Samayapuram Lay-out, Karambakkam Village (Survey No.120/1) and Vanagaram Village (Survey No.199/2), Thiruvellore District put up by the 5th respondent.

For Petitioner : Mr.S.T.Deiveekarajan
For Respondents : Mr.K.Elango, Spl.G.P.for R1 to R3
Mr.J.Ravindran for R4

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ORDER

(Order of the Court was made by P.SATHASIVAM, J.,)

The petitioner has approached this Court to issue a Writ of Mandamus, directing respondents 1 to 4 to demolish the superstructure constructed in plot No.117 Samayapuram Lay-out, Karambakkam Village (Survey No.120/1) and Vanagaram Village (Survey No.199/2), Tiruvellore District put up by the 5th respondent.

2. The various averments in the affidavit as well as the documents filed in the typed set clearly show that there is a dispute between the petitioner and the 5th respondent with regard to the property in question. Admittedly, the petitioner himself filed two suits and 5th respondent filed one suit against each other, wherein, the petitioner also impleaded the official respondents.

3. In such circumstances, we are of the view that the relief, as claimed by the petitioner, cannot be granted by this Court at this juncture. It is made clear that after a decree / order by a competent court depending on the relief granted in favour of the petitioner, he is free to complain to the concerned authorities to vindicate his grievance, if any.

With the above observation, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2007 is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Executive officer,
   Vanagaram Panchayat,
   Vanagaram.

2. The Executive Officer,
   Karambakkam Panchayat,
   Karambakkam.

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3. The Tahsildar,
   Ambattur Taluk,
   Ambattur.

4. The Commissioner,
   Chennai Metropolitan Development Authority,
   Chennai-8.

1 cc To Mr.S.T.Deiveekarajan, Advocate, SR.2476.

Order in Writ Petition No.1672 of 2007

MM(CO)
RVL 25.01.2007

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